

**S.R. 378** - By Edwards: Extending congratulations to Mr. and Mrs. J. E. Duggan of Cedar Creek Lake on their 50th wedding anniversary.

**S.R. 379** - By Tejeda: Commending William T. Donahue for his achievements toward the growth and progress of the City of San Antonio.

#### ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:57 p.m. adjourned, in memory of former Member of the Senate, the Honorable Grady Hazlewood, until 11:00 a.m. Monday, April 10, 1989.

#### APPENDIX

Signed by Governor  
(April 4, 1989)

**S.B. 315** (Effective immediately)  
(April 5, 1989)

**H.B. 753** (Effective immediately)

#### FORTIETH DAY (Monday, April 10, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father and Lord of our lives, give these the long view of their task, and may they see beyond the immediate. We pause to pray for these who make law and for those who will be governed by it and ask that both come together in harmony and understanding.

Thank You for this day and all the gifts we share. In Jesus' name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 6, 1989, was dispensed with and the Journal was approved.

#### BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

**S.C.R. 63**  
**S.C.R. 87**  
**S.B. 51**  
**S.B. 139**

S.B. 236

S.B. 577

**REPORTS OF STANDING COMMITTEES**

Senator Parker submitted the following report for the Committee on Education:

S.B. 770 (Amended)

Senator Caperton submitted the following report for the Committee on Finance:

C.S.S.B. 222

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 1077

C.S.S.B. 771

C.S.S.B. 876

C.S.S.B. 698

S.B. 1427

S.B. 842

S.B. 1148

S.B. 1325

S.B. 1644 (Amended)

**MESSAGE FROM THE HOUSE**

House Chamber

April 10, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 580**, Relating to acquisition of real property by community mental retardation centers.

**H.B. 1314**, Relating to the investment of county funds.

**H.B. 1212**, Relating to the regulation of real estate brokers and salesmen and real estate inspectors and declaring an emergency.

**S.B. 289**, Relating to the designation of areas within a county jail where certain fire safety devices are unsuitable for use.

**S.B. 436**, Relating to the application of the Texas Unemployment Compensation Act to real estate licensees and instructors. (As amended)

**S.B. 491**, Relating to a program to develop, restore and preserve central business districts of certain cities.

**S.B. 331**, Relating to the designation of certain county toll roads as controlled access toll roads.

**H.B. 528**, Relating to the membership and election of the Fox Crossing Water District board of directors.

**H.B. 79**, Relating to the jurisdiction of the County Court at Law of Medina County and to certain fees in that court.

**H.B. 1563**, Relating to the processing of a voter registration application submitted to the wrong voter registrar.

**H.B. 1564**, Relating to the deadline for submission of a voter registration application before an election.

**H.B. 137**, Relating to registration as a classic motor vehicle and to the issuance of special license plates for certain passenger cars and light commercial motor vehicles.

**H.B. 383**, Relating to reconstituting the jury wheel.

**H.B. 959**, Relating to the procedures for the setting by district judges of the compensation of certain district or county officers or employees.

**H.B. 1051**, Relating to the financial operations of certain hospital districts.

**H.B. 1441**, Relating to the authority of the Jefferson County Navigation District to construct, maintain, improve, reconstruct, repair and replace and issue revenue bonds for certain water projects.

**H.B. 1442**, Relating to the authority of the Jefferson County Drainage District No. 6 to construct, improve, reconstruct, repair, maintain and enter into various agreements and issue revenue bonds for certain water projects.

**H.B. 1555**, Relating to the requirement of continuing education for county commissioners.

**H.B. 1558**, Relating to an exemption from certain licensing requirements for inmates incarcerated in the Texas Department of Corrections who perform barbering.

**H.B. 140**, Relating to the terms of persons appointed to fill trustee vacancies in certain school districts.

**H.B. 228**, Relating to the authority to sign checks for the Lavaca-Navidad River Authority.

**H.B. 155**, Relating to the adoption of the Uniform Federal Lien Registration Act, governing the filing of notices affecting federal liens.

**H.B. 180**, Relating to a reduction in registration fees for professional registered engineers who are retired or at least 65 years of age.

**H.B. 200**, Relating to the credentials of certain persons who appraise real property.

**H.B. 225**, Relating to the authority of certain municipalities to extend ordinances into their extraterritorial jurisdiction.

**H.B. 1577**, Relating to the maintenance and disposition of certain county records.

**H.B. 349**, Relating to the authority of certain general-law municipalities to annex adjacent streets, highways, roads and alleys.

**H.B. 822**, Relating to the effective date for certain requirements for licensure as an air conditioning and refrigeration contractor.

**H.B. 353**, Relating to certain requirements for State agency stationery.

**H.B. 371**, Relating to the time when a county must prepare an annual budget.

**H.B. 1192**, Relating to the identification of certain county vehicles.

**H.B. 395**, Relating to the sale of wine by the holder of a winery permit.

**H.B. 411**, Relating to the delivery of certain interagency mail.

**H.B. 575**, Relating to the financing and operation of the Parker County Hospital District and the election of directors and providing for the levy of a sales tax.

**H.B. 423**, Relating to audit report exemptions and financial dormancy affidavits of certain water districts.

**H.B. 539**, Relating to payment of member contributions to the Judicial Retirement System of Texas Plan Two.

**H.B. 568**, Relating to a requirement that a judgment in a criminal case contain information necessary to ensure the payment of restitution to a victim of the offense.

**H.B. 571**, Relating to the date on which the attendance of students for the first semester of the regular public school term begins.

**H.B. 603**, Relating to the procedures for collecting a small amount of property taxes.

**H.B. 625**, Relating to the effect of citing volume and page numbers in referring to real property records in instruments relating to real property transactions.

**H.B. 660**, Relating to requirements for the recording of documents relating to real or personal property.

**H.B. 769**, Relating to filling a vacancy on the board of trustees of an independent school district.

**H.B. 820**, Relating to the method of filing certain political funds reports immediately before an election.

**H.B. 946**, Relating to the creation of a promotion and development fund by the Galveston County Navigation District No. 1.

**H.B. 980**, Relating to the deadline for filing an application for a place on the ballot in a water control and improvement district election.

**H.B. 1010**, Relating to the membership of the Dental Hygiene Advisory Committee and to the per diem and reimbursement to which committee members are entitled.

**H.B. 1035**, Relating to the requirement that a water district file its annual audit report with the State auditor.

**H.B. 1168**, Relating to the tax rate of the Teague Hospital District, and to the use of the tax money.

**H.B. 1171**, Relating to a change fund for county and district officials.

**H.B. 1243**, Relating to the provision of services by dentists under the Indigent Health Care and Treatment Act.

**H.B. 1297**, Relating to investments by navigation districts.

**H.B. 1350**, Relating to the appointment of bailiffs for certain courts in Grayson County.

**H.B. 1416**, Relating to criminal mischief involving services subject to regulation by the Texas Water Commission.

**H.C.R. 12,** Creating the Texas State Artist Committee.

**H.C.R. 17,** Recommending certain goals as part of a natural energy policy.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**SENATE BILLS AND RESOLUTIONS ON FIRST READING**

On motion of Senator Barrientos and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

**S.C.R. 109** by Barrientos Jurisprudence  
Granting Vivian Volk and Mary Wegrzyn permission to sue the State of Texas and the Texas Department of Human Services.

**S.J.R. 71** by Brown Intergovernmental Relations  
Proposing a constitutional amendment relating to the election of a district attorney in Fort Bend County.

**S.B. 1651** by Barrientos State Affairs  
Relating to the exemption of certain vehicles used to transport clients of certain agencies from motor bus regulation by the Railroad Commission of Texas and to insurance standards for those vehicles.

**S.B. 1652** by Carriker Health and Human Services  
Relating to the creation, administration, powers, duties, operation, and financing of the Olney Hamilton Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

**S.B. 1653** by Truan Health and Human Services  
Relating to the office of rural health care, surveys of hospitals and physicians, emergency hospital patient transfers, the provision of medical care to low-income and indigent persons, medical education, and professional liability insurance for physicians and other health care providers; providing civil penalties.

**S.B. 1654** by Glasgow Intergovernmental Relations  
Relating to the salary of the judge of the County Court at Law of Johnson County and to the service of that judge on the county juvenile board.

**S.B. 1655** by Brown Finance  
Relating to exempting from ad valorem taxation certain property of organizations of veterans of the armed forces.

**S.B. 1656** by Montford Natural Resources  
Relating to the creation, administration, powers, duties, operation, and financing of the South Ector County Underground Water Conservation District.

**S.B. 1657** by Montford Finance  
Relating to the submission of an estimate of appraised value of taxable property to a taxing unit by a chief appraiser.

**S.B. 1658** by Montford Finance  
Relating to the imposition of penalties on certain delinquent ad valorem taxes.

**S.B. 1659** by Montford Finance  
Relating to the submission of appraisal records to an appraisal review board by a chief appraiser.

- S.B. 1660** by Montford Finance  
Relating to the persons permitted to collect ad valorem taxes.
- S.B. 1661** by Edwards Health and Human Services  
Relating to cancer screening in rural areas.
- S.B. 1662** by Edwards State Affairs  
Relating to the creation, powers, and duties of the State Office of Administrative Hearings, and to the requirements for certain administrative hearings.
- S.B. 1663** by Uribe Intergovernmental Relations  
Relating to the election and issuance of County Toll Bridge Combination Tax and Revenue Bonds and validity of agreements, contracts and trusts and related proceedings and acts entered into by the Commissioners Court for Counties for the construction, financing, operation and maintenance for International Toll Bridges and the authorization for the issuance of International Toll Bridge Combination Tax and Revenue Bonds and the amending of Chapter 403, Acts of 1955, 54th Legislature, Regular Session, (Article 6795c, V.A.T.C.S.), and other matters relating thereto.
- S.B. 1664** by Green Jurisprudence  
Relating to juror selection and right to continued employment; providing penalties.
- S.B. 1665** by Uribe Intergovernmental Relations  
Relating to amending the Municipal Airports Act to clarify the purposes for which a municipality may establish, develop, construct, enlarge, and improve airports or air navigation facilities.
- S.B. 1666** by Edwards Finance  
Relating to an exemption from ad valorem taxes for certain publicly owned housing used to provide transitional shelter for needy persons.
- S.B. 1667** by Tejeda, Krier, Sims, Zaffirini Natural Resources  
Relating to the creation, administration, powers, duties, operations, financing, and dissolution of the Alamo Conservation and Reuse District and the authority of that district and other governmental and private entities to contract.

#### HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

- H.C.R. 12**, To Committee on Administration.
- H.C.R. 13**, To Committee on Health and Human Services.
- H.C.R. 17**, To Committee on Natural Resources.
- H.C.R. 19**, To Committee on State Affairs.
- H.C.R. 52**, To Committee on Administration.
- H.C.R. 90**, To Committee on Administration.
- H.C.R. 114**, To Committee on Health and Human Services.
- H.C.R. 117**, To Committee on State Affairs.
- H.C.R. 118**, To Committee on State Affairs.
- H.C.R. 142**, To Committee on Administration.
- H.B. 79**, To Committee on Jurisprudence.
- H.B. 137**, To Committee on State Affairs.
- H.B. 140**, To Committee on State Affairs.
- H.B. 155**, To Committee on Jurisprudence.
- H.B. 180**, To Committee on Economic Development.
- H.B. 200**, To Committee on Economic Development.

H.B. 225, To Committee on Intergovernmental Relations.  
H.B. 228, To Committee on Natural Resources.  
H.B. 349, To Committee on Intergovernmental Relations.  
H.B. 353, To Committee on State Affairs.  
H.B. 371, To Committee on Intergovernmental Relations.  
H.B. 383, To Committee on Jurisprudence.  
H.B. 395, To Committee on Economic Development.  
H.B. 411, To Committee on State Affairs.  
H.B. 423, To Committee on Natural Resources.  
H.B. 528, To Committee on Natural Resources.  
H.B. 539, To Committee on State Affairs.  
H.B. 568, To Committee on Criminal Justice.  
H.B. 571, To Committee on Education.  
H.B. 575, To Committee on Health and Human Services.  
H.B. 580, To Committee on Health and Human Services.  
H.B. 603, To Committee on Finance.  
H.B. 625, To Committee on Jurisprudence.  
H.B. 660, To Committee on Jurisprudence.  
H.B. 769, To Committee on State Affairs.  
H.B. 820, To Committee on State Affairs.  
H.B. 822, To Committee on Economic Development.  
H.B. 946, To Committee on Natural Resources.  
H.B. 959, To Committee on Intergovernmental Relations.  
H.B. 980, To Committee on Natural Resources.  
H.B. 1010, To Committee on Health and Human Services.  
H.B. 1035, To Committee on Natural Resources.  
H.B. 1051, To Committee on Health and Human Services.  
H.B. 1168, To Committee on Health and Human Services.  
H.B. 1171, To Committee on Intergovernmental Relations.  
H.B. 1192, To Committee on Intergovernmental Relations.  
H.B. 1212, To Committee on Economic Development.  
H.B. 1243, To Committee on Health and Human Services.  
H.B. 1297, To Committee on Natural Resources.  
H.B. 1314, To Committee on Intergovernmental Relations.  
H.B. 1350, To Committee on Intergovernmental Relations.  
H.B. 1416, To Committee on Criminal Justice.  
H.B. 1441, To Committee on Natural Resources.  
H.B. 1442, To Committee on Natural Resources.  
H.B. 1555, To Committee on Intergovernmental Relations.  
H.B. 1558, To Committee on Economic Development.  
H.B. 1563, To Committee on State Affairs.  
H.B. 1564, To Committee on State Affairs.  
H.B. 1577, To Committee on Intergovernmental Relations.

**CO-AUTHOR OF SENATE BILL 22**

On motion of Senator Washington and by unanimous consent, Senator Edwards will be shown as Co-author of S.B. 22.

**CO-AUTHOR OF SENATE BILL 870**

On motion of Senator Leedom and by unanimous consent, Senator Bivins will be shown as Co-author of S.B. 870.

**CO-AUTHOR OF SENATE BILL 1107**

On motion of Senator Carriker and by unanimous consent, Senator Bivins will be shown as Co-author of **S.B. 1107**.

**SENATE RESOLUTION 394**

Senator Brooks offered the following resolution:

WHEREAS, It is with considerable pleasure that the Senate of the State of Texas welcomes Mr. Jan A. Seij, Chief Commissioner of the Dutch Railway Police; and

WHEREAS, This distinguished visitor to the Texas Senate is a member of the Atlantic Exchange Program and will also be visiting the cities of Washington, D. C., and San Francisco, California; and

WHEREAS, During his stay in the United States, Chief Commissioner Seij will be obtaining information concerning the organization and operations of the American legal system and the responsibilities and operations of municipal and local governments; and

WHEREAS, He also hopes to learn how private citizens influence government and how our society deals with ethnic minorities and the elderly; and

WHEREAS, Of considerable interest to him is the structure and efficiency of our educational system and the organization of our police and security systems; and

WHEREAS, It is indeed a privilege and a genuine delight to welcome such a notable individual as Mr. Jan A. Seij to the State of Texas, the Capitol Building, and the Capital City; and

WHEREAS, Mr. Seij has exhibited an exemplary life of dedicated service to the people of Rotterdam and has brought distinction to himself and to his country; and

WHEREAS, It is fitting that the Texas Senate commend Chief Commissioner Seij for his efforts on behalf of the citizens of Rotterdam; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby recognize Chief Commissioner Jan A. Seij and extend an official welcome to this esteemed gentleman with sincere wishes that he have an enjoyable and successful visit; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mr. Seij as an expression of admiration and respect from the Texas Senate.

The resolution was read and was adopted viva voce vote.

**GUESTS PRESENTED**

At the President's request, Senator Brooks escorted Commissioner Seij and Colonel Wilson Speir, Retired Director of the Texas Department of Public Safety, to the President's Rostrum.

The Senate welcomed these guests and the President presented an enrolled copy of **S.R. 394** to Commissioner Seij.

**GUEST PRESENTED**

Senator Harris was recognized and presented Dr. Fannie Clark of Dallas.

Dr. Clark, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for her service today.



**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
April 10, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE BRANCH PILOTS FOR GALVESTON BAR AND THE HOUSTON  
SHIP CHANNEL, FOR TERMS TO EXPIRE JANUARY 16, 1993:

CAPTAIN ERNEST D. REED  
Rt. 5, Box 266-B  
Cleveland, Texas 77327

Captain Reed is being reappointed.

CAPTAIN ALLAN R. BARRY  
15006 Trowbridge Court  
Houston, Texas 77062

Captain Barry is being reappointed.

CAPTAIN LANCE A. MILLER  
1306 El Dorado  
Houston, Texas 77062

Captain Miller is being reappointed.

TO BE A MEMBER OF THE UPPER COLORADO RIVER AUTHORITY  
BOARD OF DIRECTORS, FOR A TERM TO EXPIRE FEBRUARY 1, 1995:

GEORGE RAY ALDERMAN  
503 S. Main  
Winters, Texas 79567

Mr. Alderman will be replacing Everett J. Graindstaff of Ballinger, whose term expired.

TO BE MEMBERS OF THE NUECES RIVER AUTHORITY BOARD OF  
DIRECTORS, FOR TERMS TO EXPIRE FEBRUARY 1, 1995:

DAN O. DENNIS  
638 Philomeno  
Corpus Christi, Texas 78412

Mr. Dennis will be replacing Bill Edwards of Corpus Christi, whose term expired.

JOSEPH EGGLESTON GARDNER, JR.  
216 Indiana  
Corpus Christi, Texas 78404

Mr. Gardner is being reappointed.

TO BE MEMBERS OF THE BRAZOS RIVER AUTHORITY BOARD OF  
DIRECTORS, FOR TERMS TO EXPIRE FEBRUARY 1, 1995:

ART KING  
214 Helena  
Bryan, Texas 77801

Mr. King will be replacing Glynn A. Williams of Bryan, whose term expired.

RUTH SCHIERMEYER  
3005 25th Street  
Lubbock, Texas 79410

Ms. Schiermeyer will be replacing Bruce V. Campbell, Jr., of Knox City, whose term expired.

TO BE A MEMBER OF THE UPPER NECHES RIVER MUNICIPAL  
WATER AUTHORITY BOARD OF DIRECTORS, FOR A TERM TO  
EXPIRE FEBRUARY 1, 1995:

BEN L. SWINNEY  
233 Glenwood Drive  
Palestine, Texas 75801

Mr. Swinney is being reappointed.

Respectfully submitted,

/s/W. P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

#### SENATE BILL 1168 REREFERRED

On motion of Senator Montford and by unanimous consent, **S.B. 1168** was withdrawn from the Committee on State Affairs and rereferred to the Committee of the Whole Senate.

#### SENATE BILL 1279 REREFERRED

On motion of Senator Uribe and by unanimous consent, **S.B. 1279** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Education.

#### SENATE BILL 866 RECOMMITTED

On motion of Senator Uribe and by unanimous consent, **S.B. 866** was recommitted to the Committee on Natural Resources.

#### SENATE BILL 481 ON THIRD READING

Senator Barrientos moved that the regular order of business be suspended and that **S.B. 481** be placed on its third reading and final passage.

**S.B. 481**, Relating to the continuation, powers, and duties of the Texas Indian Commission.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Edwards, Green, Haley, Harris, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Caperton, Glasgow, Henderson, Leedom, Ratliff.

The bill was read third time and was passed viva voce vote.

#### RECORD OF VOTES

Senators Caperton, Glasgow, Henderson, Leedom and Ratliff asked to be recorded as voting "Nay" on the final passage of the bill.

#### SENATE BILL 615 ON THIRD READING

Senator Harris moved that the regular order of business be suspended and that **S.B. 615** be placed on its third reading and final passage.

**S.B. 615**, Relating to the authority of the Texas Employers' Insurance Association to become a mutual insurance company.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brown, Caperton, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Brooks, Carriker, Dickson, Parmer.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brown, Caperton, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Zaffirini.

Nays: Brooks, Carriker, Dickson, Parmer, Whitmire.

#### SENATE BILL 1104 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1104**, Relating to adoption of a nonsubstantive revision of the statutes relating to juvenile boards, juvenile probation departments, domestic relations offices, and family services offices, including conforming amendments.

The bill was read second time.

Senator Glasgow offered the following committee amendment to the bill:

Amend **S.B. 1104** as follows:

- (1) On page 61, line 16, strike "\$1,500" and substitute "\$4,500".
- (2) On page 87, line 9, strike "this subchapter" and substitute "Section 152.0634 or 152.0635".
- (3) On page 194, line 9, strike "the child support fund" and substitute "a separate fund known as the 'Child Support Fund,'".
- (4) On page 194, line 19, strike "may" and substitute "shall".
- (5) On page 218, lines 22-24, strike Subsection (c) of Section 152.2271 and renumber subsequent subsections of Section 152.2271 appropriately.
- (6) On page 253, between lines 23 and 24, add a new Section 4 to read as follows:

**SECTION 4. CONFORMING AMENDMENT.** Chapter 151, Human Resources Code, as added by Section 86, **S.B. No. 220**, Acts of the 71st Legislature, Regular Session, 1989, is renumbered as Chapter 150, Human Resources Code, and Section 151.001 is renumbered as Section 150.001 and Section 151.002 is renumbered as Section 150.002.

- (7) Renumber subsequent sections of the bill appropriately.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **SENATE BILL 1104 ON THIRD READING**

Senator Glasgow moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 1104** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 115 ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 115**, Relating to the regulation of the sale or provision of tobacco products; providing penalties.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

##### **Floor Amendment No. 1**

On page 1, line 48, strike the semicolon after "include" and delete Subsections (B)(1), (B)(2), and (B)(3) in their entirety. After "include" insert, "the following statement:"

"sale or provision of tobacco products to a minor under 18 years of age is prohibited by law. Upon conviction, a maximum fine of up to \$200 may be imposed."

On page 1, strike lines 57 and 58 and substitute the following:

"(C) The Texas Board of Health by rule shall determine the design and size of the sign."

The amendment was read and was adopted viva voce vote.

Senator Krier offered the following amendment to the bill:

##### **Floor Amendment No. 2**

On page 2, strike Sec. 3, beginning on line 4 and ending with the word "months," on line 21.

The amendment was read and was adopted viva voce vote.

On motion of Senator Krier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 115 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 115 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Sims, Washington.

The bill was read third time and was passed viva voce vote.

**RECORD OF VOTE**

Senator Sims asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE  
SENATE BILL 689 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 689**, Relating to certain notice requirements and the interrogation of fire fighters and police officers in certain cities; and declaring an emergency.

The bill was read second time.

Senator Washington offered the following amendment to the bill:

Amend C.S.S.B. 689 as follows:

Section 2, Subsection 143.123(a)(1): delete new (underlined) language to restore current statutory language to read as follows:

(1) "Complainant" means a person claiming to be the victim of misconduct by a fire fighter or police officer.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 689 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 689 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

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**SENATE JOINT RESOLUTION 56 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.J.R. 56**, Proposing a constitutional amendment relating to the disposition at death of certain community property.

The resolution was read second time.

Senator Parker offered the following amendment to the resolution:

Amend **S.J.R. 56**, SECTION 1, by deleting Subsection (e) of Section 15 and substituting the following:

(e) The community property interest in all retirement benefits based on the employment of a spouse becomes the separate property of the surviving spouse on the death of either spouse.

The amendment was read and was adopted viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment viva voce vote.

**SENATE JOINT RESOLUTION 56 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.J.R. 56** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 357 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 357**, Relating to the creation and operation of a sick leave pool to benefit certain state employees who suffer a catastrophic illness or injury.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 357** as follows:

- (1) On page 3, line 14, insert "per fiscal year" after "days"
- (2) On page 4, strike lines 21 and 22.

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**SENATE BILL 357 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 357** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1089 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1089**, Relating to bank loan fees; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1089 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1089** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 104 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 104**, Relating to improving mail management in executive agencies.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 104 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 104** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 812 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 812**, Relating to the taking of blood specimens of driving-while-intoxicated suspects upon the request or order of a peace officer.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 812 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 812** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**SENATE BILL 914 ON SECOND READING**

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 914**, Relating to the composition of the board of directors in certain appraisal districts.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 914 ON THIRD READING**

Senator Parmer moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 914** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**SENATE BILL 196 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 196**, Relating to the treatment of certain nonimmigrant aliens as residents for purposes of tuition and fees at public institutions of higher education.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 196 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 196** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.



Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

#### **SENATE BILL 399 ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 399**, Relating to a bond or security deposit in connection with child support payments.

The bill was read second time and was passed to engrossment viva voce vote.

#### **RECORD OF VOTE**

Senator Glasgow asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **SENATE BILL 399 ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 399** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Glasgow, Washington.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE SENATE BILL 458 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 458**, Relating to the inclusion of the services of certain professional counselors in health insurance coverage.

The bill was read second time and was passed to engrossment viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 458 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 458** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 53 ON SECOND READING**

Senator Glasgow moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 53**, Relating to a prohibition on certain activities of former state officers or employees; providing a penalty.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Armbrister, Barrientos, Bivins, Caperton, Carriker, Edwards, Glasgow, Green, Haley, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Ratliff, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Brooks, Brown, Dickson, Harris, Henderson, Santiesteban, Sims.

Absent: Parker.

The bill was read second time.

Question - Shall the bill be passed to engrossment?

**SENATE BILL 1503 REREFERRED**

On motion of Senator Brooks and by unanimous consent, **S.B. 1503** was withdrawn from the Committee on Natural Resources and rereferred to the Committee on Health and Human Services.

**COMMITTEE SUBSTITUTE  
SENATE BILL 222 ORDERED NOT PRINTED**

On motion of Senator Caperton and by unanimous consent, **C.S.S.B. 222** was ordered not printed.

**SENATE RULE 11.11 SUSPENDED**

On motion of Senator Lyon and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on State Affairs, Subcommittee on Elections, might consider **S.B. 443** tomorrow at 8:30 a.m.

**COMMITTEE OF THE WHOLE SENATE**

On motion of Senator Brooks and by unanimous consent, the Senate resolved into a Committee of the Whole Senate to reconvene today at 2:00 p.m.

The President appointed Senator Brooks Chairman of the Committee of the Whole Senate.

**MEMORIAL RESOLUTIONS**

**S.R. 381** - By Uribe: In memory of Mrs. Mariano Gonzalez of Brownsville.

**S.R. 396** - By Glasgow: In memory of Officer Robert Allen of Lewisville.

**S.R. 397** - By Glasgow: In memory of Grady P. "Pete" O'Neal of Haslet.

**S.R. 398** - By Glasgow: In memory of John E. "Ted" Burd of Cleburne.

**S.R. 399** - By Glasgow: In memory of Ollie Lee Davis of Hico.

**S.R. 400** - By Glasgow: In memory of Neil O. Fletcher, Sr., of Lewisville.

**S.R. 401** - By Glasgow: In memory of James D. Noah of Granbury.

**S.R. 402** - By Glasgow: In memory of Florine M. Wulfjen of Breckenridge.

**S.R. 403** - By Glasgow: In memory of E. B. Kelley of Eastland.

**S.R. 404** - By Glasgow: In memory of Troy Willis of Eastland.

**S.R. 405** - By Glasgow: In memory of William Todd Midgett of Denton.

**CONGRATULATORY RESOLUTIONS**

**S.R. 380** - By Washington: Extending congratulations to Professor Eugene Harrington of Texas Southern University on his 50th birthday.

**S.R. 382** - By Dickson: Expressing appreciation to Marilyn G. Hoster for her dedication and efforts on behalf of the children of our state.

**S.R. 383** - By Edwards: Extending congratulations to Mr. and Mrs. Arley Gideon of Brownsboro on their 50th wedding anniversary.

**S.R. 384** - By Edwards: Extending congratulations to Mr. and Mrs. Roy Hines, Sr., on their 50th wedding anniversary.

**S.R. 385** - By Edwards: Extending congratulations to Mr. and Mrs. J. C. Moore of Waco on their 50th wedding anniversary.

**S.R. 386** - By Edwards: Extending congratulations to Mr. and Mrs. Allen Stoker of Brandon on their 50th wedding anniversary.

**S.R. 387** - By Edwards: Extending congratulations to Mr. and Mrs. E. W. Barron of Athens on their 50th wedding anniversary.

**S.R. 388** - By Edwards: Extending congratulations to Mr. and Mrs. A. E. Amyx of Seven Points on their 50th wedding anniversary.

**S.R. 389** - By Edwards: Extending congratulations to Mr. and Mrs. C. E. Hoover on their 60th wedding anniversary.

**S.R. 390** - By Edwards: Extending congratulations to Mr. and Mrs. L. A. Williams of Mertens on their 50th wedding anniversary.

**S.R. 391** - By Edwards: Extending congratulations to Mr. and Mrs. John Eason of Grandview Terrace on their 50th wedding anniversary.

**S.R. 392** - By Edwards: Extending congratulations to Mr. and Mrs. Rube Clint Livingston of Waco on their 50th wedding anniversary.

**S.R. 393** - By Barrientos: Extending congratulations to the Travis High School basketball team on its excellent season and the Class 4A title.

**S.R. 395** - By Sims: Commending Lane H. Hughes on attaining the rank of Eagle Scout.

**S.R. 406** - By Glasgow: Recognizing Happy Hill Farm Academy/Home for its work in the professional field of serving troubled, needy children on a public basis, while receiving only private funds.

**S.R. 407** - By Haley: Extending congratulations to Champion International Corporation and the employees of its Lufkin Mill on the occasion of the mill's 50th anniversary.

**S.R. 408** - By Brooks: Commending Captain James A. Borup for his service to his community and to his profession.

**S.R. 409** - By Brooks: Commending the Gulf Coast Big Brothers-Big Sisters, Incorporated, for the work accomplished by these caring individuals on behalf of the children of Galveston County and Texas.

**ADJOURNMENT**

On motion of Senator Brooks, the Senate at 1:20 p.m. adjourned, in memory of the Honorable Weldon Betts of Houston, until 11:00 a.m. tomorrow.